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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

GREGORY ALLEN WEISS,  
Defendant.

No. 3-08-70235 MAG

STIPULATION AND ~~PROPOSED~~  
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of August 6, 2008 and setting a new preliminary hearing date on August 8, 2008, at 9:30 a.m., before the duty magistrate judge. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Gregory Allen Weiss, was charged in a complaint dated April 17, 2008 with one count of conspiring to distribute and to possess with intent to distribute 1,000 and more individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), and 846, and one count of distributing and possessing with the intent to distribute 1,000 and more individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(A).

1 Weiss was arrested on April 23, 2008, and on April 25, 2008, was released subject to bail  
2 conditions, including:(a) a \$600,000 personal recognizance bond (b) co-signed by two financially  
3 responsible persons and (c) secured by property with equity covering the bond amount, notably  
4 1109-1147 Evans Drive, Santa Rosa, California. The Court set May 14, 2008 as the date of the  
5 defendant's preliminary hearing.

6 2. Since his arrest, Weiss has been represented by Ann C. Moorman, Esq. At the  
7 joint request of Ms. Moorman and the Government, and with the consent of the defendant, this  
8 Court extended the preliminary hearing date by two weeks, from May 14, 2008 until May 28,  
9 2008. This extension was granted in order to allow the parties more time to pursue plea  
10 discussions. Time was also excluded under the Speedy Trial Act until the May 28, 2008 date.

11 3. Following May 14, 2008, the parties continued their plea discussions in an attempt  
12 to resolve this case prior to the filing of formal charges. The parties did not, however, complete  
13 their discussions, and Ms. Moorman advised the Government that she required additional time to  
14 confer with the defendant concerning his case. Accordingly, the parties, with the consent of the  
15 defendant, asked the Court to extend the preliminary hearing date a second time, from May 28,  
16 2008 until June 13, 2008, and to schedule the preliminary hearing at 9:30 a.m. on June 13, 2008.  
17 The Court granted this request and excluded time under the Speedy Trial Act until June 13, 2008.

18 4. Since May 28, 2008, the parties have continued their discussions, and in  
19 connection with these discussions, Ms. Moorman has made a written submission to the  
20 Government. Ms. Moorman has also asked the Government for additional time prior to the filing  
21 of formal charges so that she can supplement her initial submission with additional materials,  
22 materials that she requires additional time to gather. Ms. Moorman subsequently provided these  
23 additional materials to the Government.

24 5. The parties have now reached an end to their plea discussions without resolving  
25 this matter, and the next step is to have the Grand Jury consider this matter. The next available  
26 time for the Grand Jury is August 7, 2008, and to ensure administrative continuity, at the request  
27 of the Government, Ms. Moorman has agreed to extend the preliminary hearing date from August  
28 6, 2008, to August 8, 2008 at 9:30 a.m.

6. The parties, therefore, with the consent of the defendant, have asked the Court to extend the preliminary hearing date a fourth time, this time from August 6, 2008 until August 8, 2008, and to schedule the preliminary hearing at 9:30 a.m. on August 8, 2008, before the duty magistrate judge.

7. Accordingly, and with the consent of the defendant, the Court hereby: (a) vacates the August 6, 2008 preliminary hearing date and extends the time for a preliminary hearing until August 8, 2008, before the duty magistrate judge, at 9:30 a.m.

STIPULATED:

DATED: July 30, 2008

/s/  
ANN C. MOORMAN, ESQ.  
Attorney for GREGORY ALLEN WEISS

DATED: July 30, 2008

/s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: ~~July~~ August, 2008  
August 5, 2008

IT IS SO ORDERED  
  
Judge Maria-Elena James  
HONORABLE JUDGE MARIA-ELENA JAMES  
United States Magistrate Judge

